



**Town of Tyngsborough
Board of Appeals**

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from Oct. 12, 2006.

Members Present: Robb Kydd, Eileen Farrell, Chris Mechalides, Claire Cloutier, and Cheryl Bradley.

Not present- Gary Ralls

Minutes taken by Cheryl Bradley

6:30 PM

Other Business:

Atty. Doug Deschene-Merrimac Landing- Discussion on project-bills from PSC- Dave Sanderson.

General discussion of the engineering bills and the concerns are the scope of the services. Merrimac Landing feels that there are duplicity of inspections by PSC and Town Inspectors. Atty. Doug Deschene stated that town inspectors were doing a good job and that Sanderson was overlapping inspections. They mentioned that in one August invoice the Sanderson were billed for (8) hours watching grading, and finishing the paving. They have also made note that they have not paid any bills for months. The Board wants to hear from inspectors Dave Denommee and Allen Crusadean regarding what they are checking and investigating if there is an over lap.

Discussion will be continued to November 9, 2006 at 6:30 PM.

Tyngsboro Partners- revised lighting plan to the board for review.

The board reviewed lighting for the site. The Electrician says 100 lights are too many lights and that would be too bright. They are requesting 50 lights every 80 feet staggered.

Board members do not deem this substantial change for 50 lights.

Vote 5-0. Unanimous.

Richard Westergren for Digital Credit Union, 378 Middlesex Rd, Parcel 12, Map 42, request special permit to install new accessory signs, one 5'-4 1/2" x 9'-3" double faced illuminated "DCU" free standing sign @ 20 feet over all height and six (6) enter/exit directional signs 1'-4"x2'-0". B Zoned, sections 3.11.44, paragraph 2.

Legal notice read. Advertised in the Lowell Sun on Sept. 28, 2006 & Oct. 5, 2006.

Abutters notified. Town Boards notified. No challenges to the legal notice and abutter notification.

Application presented by Richard Westergren from Poyant Signs.

No abutters speaking for or against the application.

Motion to close the public portion of the hearing by Eileen Farrell. Seconded by Chris Mechalides. Vote 5-0.

Discussion to amend the permit to be issued to owner of sign-DCU on the directional signs the directional signs are allowed without the DCU lettering.

Motion to approve the large freestanding sign by Eileen Farrell. Seconded by Cloutier. Vote (5-0) Unanimous.

Motion by Eileen Farrell to withdraw request for the smaller directional signs because they are allowed as long as the DCU lettering is not on the sign. Seconded by Chris Mechalides. Vote (5-0) Unanimous.

Marc Annese, 190 Massapoag Rd., Assessors Map 2, Parcel 24 request for special permit to change, extend, and alter a pre-existing non-conforming structure, and variance from the dimensional requirements for front, side, and rear lot lines for the construction of a new house. R-1 Zone, sections 2.15.22, 2.12.50. R-2 Zone. Previously granted in 2005 but expired.

Legal notice read. Advertised in the Lowell Sun on Sept. 28, 2006 & Oct. 5, 2006. Abutters notified. Town Boards notified. No challenges to the legal notice and abutter notification.

Application presented by Atty. Pete Nicosia.

Motion to close the public portion by Chris Mechalides. Seconded by Claire Cloutier. Vote 5-0.

Motion by Chris Mechalides to approve the application as submitted with the same stipulations of the previous application, Seconded by Eileen Farrell. Vote (5-0). Unanimous.

Lawrence & Elaine Martone, request for variance from sq. footage to acquire a buildable lot in a B-1 Zone for property known as Map 31A, parcel 114, AKA 6 Woodlawn St. section 2.12.50. B-1 Zone. Previously granted in 2005 but expired.

Legal notice read. Advertised in the Lowell Sun on Sept. 28, 2006 & Oct. 5, 2006. Abutters notified. Town Boards notified. No challenges to the legal notice and abutter notification.

Application presented by Atty. Pete Nicosia.

Few abutters were present- Joseph Paquette and William Look. Concerns were drainage, and they wanted to know what might be going on the property.

Motion to close the public portion of the hearing by Chris Mechalides, seconded by Cloutier. Vote 5-0. Unanimous.

Motion by Chris Mechalides to accept the extension, seconded by Eileen Farrell. Vote (5-0) Unanimous.

James & Kim Hapenny, 9 Cedar Lane, Assessors Map 26, Parcel 145(Lot #7), requesting variance on the frontage and square footage in order to sub-divide two lots subject to Planning Board approval. R-1 Zone. Sections 2.12.50.

Legal notice read. Advertised in the Lowell Sun on Sept. 28, 2006 & Oct. 5, 2006. Abutters notified. Town Boards notified. No challenges to the legal notice and abutter notification.

Application presented by Atty. Pete Nicosia presented the board with a plan dividing their lot on Cedar Lane into two lots (hardship being that they want to build a house for her parents. The reason for them to come before the board was lack of frontage for the "new lot".

The subdivision which the property is located within was created in 1998 or 1999-Keith Caples. There is a substantial amount of wetland within this subdivision and when it was created we are sure that a builder would have worked to get the most buildable lots. Dividing this 3-acre parcel into two parcels (of 1.5 +- acres each.) would only give each piece 30,000 +- buildable area, again because of the wetland within it.

Eileen Farrell said that we have been told by Atty. Zaroulis that we are not able to create a non-conforming parcel. We should not even be looking at giving a variance on (1) lot that does not currently exist (2) creating a non-conforming lot by giving a variance on shortage of frontage.

Atty. Nicosia stated that this would still have to go to Planning Board, and Conservation but he would like to get the frontage variance first.

Motion by Eileen Farrell to continue hearing to November 9, 2006, at 6:30 PM. Seconded by Chris Mechalides. Vote (5-0) Unanimous.

Other Business

Motion to approve minutes from August 10, 2006 by Farrell, seconded by Mechalides. Vote (5-0) Unanimous.

Motion to close the public portion of the hearing by Mechalides. Seconded by Cloutier. Vote (5-0). Unanimous.

Minutes by Cheryl Bradley, Chris Mechalides

